



CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, July 11, 2022 at 7:00 PM

MINUTES

Members Present

Mayor, Becky S. Smith, Council Members: Brent Guffey, Kay McCathen, Brenda Boyd, Dan Boling, Donnie Griffin and Joe Will were all present. City Manager, James Inman and City Attorney, Dan O'Shea were present as well.

Call to Order, Prayer, Pledge of Allegiance

Mayor Smith called the meeting to order. First Wesleyan Church Pastor, Matt Mitchell led the audience in prayer. Mayor Smith led the audience in the Pledge of Allegiance.

Adjustment and Approval of the Agenda

By motion of Kay McCathen and unanimous vote, the June agenda was approved with the following revisions:

- Remove Item #18/#19
 - o **Public Hearing- Economic Development Grant (Project Trim):** City Council will hold a public hearing to hear public comment regarding an Economic Development Incentive for Project Trim.
 - o **Resolution - Project Trim Project Incentive:** City Council will consider approving an Economic Incentive for Project Trim after hearing those present at the public hearing.

Request to Speak/Opportunity for Public Comment

Mayor Smith opened the floor for public comment. The following individual came forth:

- Alan Fowler of 433 Besstown Rd: Mr. Fowler addressed Council regarding his concerns about the Water Plant, City landscaping, and speeding along his road.

Consent Agenda

The following items on the Consent Agenda were unanimously approved by motion of Dan Boling:

- **Approval of Minutes:** City Council will consider adopting the Regular Meeting minutes of the June 13th, 2022.
- **Approval of Minutes:** City Council will consider adopting the Work Session Meeting minutes of the June 28th, 2022.

Establish Public Hearing:

City Staff is requesting the establishment of a public hearing for Council to hear comments from citizens regarding a rezoning request from Development Solutions Group for property located at tax parcel #202266 (7.05 acres), from Urban Residential (UR) and Rural (R) to Urban Residential Conditional District (URCD).

By motion of Donnie Griffin and unanimous vote, a public hearing regarding the rezoning request from Development Solutions Group will be held on Monday, August 8, 2022 at 7:00PM in Council Chambers. Public notice will be given per NC General Statutes.

Establish Public Hearing:

City Staff is requesting the establishment of a public hearing for Council to hear comments from citizens regarding a major subdivision for property located at tax parcel #121008.

By motion of Donnie Griffin and unanimous vote, a public hearing regarding a major subdivision will be held on Monday, August 8, 2022 at 7:00PM in Council Chambers. Public notice will be given per NC General Statutes.

Establish Public Hearing:

City Staff is requesting the establishment of a public hearing for Council to hear comments from citizens regarding a major subdivision for Lennar Homes regarding property located off of Costner School Rd. Parcel Number #307413.

By motion of Dan Boling and unanimous vote, a public hearing regarding a major subdivision for Lennar Homes will be held on Monday, August 8, 2022 at 7:00PM in Council Chambers. Public notice will be given per NC General Statutes.

Public Hearing –Petition for Voluntary Annexation (Lennar Homes):

City Council held a public hearing regarding a petition for voluntary annexation received from Lennar Homes regarding property located off of Costner School Rd. Parcel Number #307413.

By motion of Dan Boling and unanimous vote, the public hearing regarding the petition for voluntary annexation was opened at 7:08 PM.

Mayor Smith asked if there was anyone present to speak in favor of the petition for voluntary annexation. There was none.

Mayor Smith asked if there was anyone present to speak in opposition of the petition for voluntary annexation. There was none.

By motion of Brenda Boyd and unanimous vote, the public hearing regarding the petition for voluntary annexation was closed at 7:09 PM.

Ordinance for Zoning Map Amendment:

City Planner, Nathan Hester addressed Council regarding the petition for voluntary annexation. Parcel #307413 is a combination of the previous parcels #220086, #151795, and #30559. Parcels #220086 and #151795 are already in the City limits. Parcel #305559 was previously zoned I-2 in Gaston County. With this annexation, this parcel will be zoned Urban Residential (UR).

By motion of Donnie Griffin and unanimous vote, the zoning map amendment regarding the extension of the Bessemer City corporate limits to include property located at Parcel #307413 was approved. A copy of this ordinance is on file at City Hall. This zoning map was adopted along with the plan consistency and statement of reasonableness. The requested rezoning is reasonable and consistent with the Bessemer City Planning & Economic Development Comprehensive Land Use Vision.

Public Hearing- City Code of Ordinance: Chapter 93 Animals

By motion of Brenda Boyd and unanimous vote, the public hearing was opened at 7:23 PM.

Mayor Smith asked if there was anyone to speak in favor of the text amendment. The following individuals came forth:

- **Pamela Gladney of 502 E Ohio Avenue:** Ms. Gladney informed the Board that she is a member of the honeybee association. She has been a beekeeper since 2015, and she supports the changes regarding honeybee keeping. Ms. Gladney is also in support of the changes regarding chickens. She stated that many citizens already have chickens.
- **Tiffany Botts of 606 E. Iowa Avenue:** Ms. Botts addressed Council regarding her support for the text amendment to allow chickens in the City limits. She has lived here since 2015, and there are many benefits to having chickens.

Mayor Smith asked if there was anyone to speak in opposition of the text amendments. There was none.

By motion of Brenda Boyd and unanimous vote, the public hearing to consider the text amendments was closed at 7:23 PM.

Ordinance- for Text Amendment:

City Planner, Nathan Hester addressed Council regarding the proposed text changes. These changes will be made to the City Code of Ordinances and the Land Development Code (LDC). These changes include a limit of 4 chickens and 5 honeybee hives. These are regulated by a minimum tract of land.

Other changes listed are as follows: The production of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; rheas, ostrich, emu, livestock, including beef cattle, sheep, swine, llamas, horses, ponies, [NOTE: Horses and ponies must be raised commercially on a horse farm for the purpose of sale to qualify as an “agricultural use” and are distinct from riding stables or boarding facilities, which do not qualify as an “agricultural use”], mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program. In addition, an “agricultural use” shall also include land used as pasture or in the commercial production of fish hatcheries or aquaculture. An “agricultural use” shall also include the keeping of livestock for commercial or noncommercial purposes. Livestock includes but is not limited to poultry and hoofed animals such as cattle, horses, swine, goats, and sheep. Also included in this definition of agricultural uses are agricultural accessory buildings, and sales of agricultural products grown or raised on the premises. Not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings. Other uses which shall not be deemed as “agricultural uses” include (i) zoos and (ii) kennels. For the purposes of this Code, “agricultural uses” are divided into three classes:

- **Agricultural Uses, Class I:** Low impact, residentially compatible, accessory agricultural uses, such as community and backyard gardens, bee keeping, chicken coops / hen keeping, and similar uses.
- **Agricultural Uses, Class II:** The growing of all agricultural and horticultural products (e.g., corn, soybeans, cotton), nurseries, and commercial greenhouses. Riding academies, riding corrals and tracks, and boarding stables; any other animal husbandry use, except that listed herein as a Class III use. Any Class I use as a principal use or exceeding the standards allowed for a Class I use.

- Agricultural Uses, Class III: Dairy barns; high-density cattle pens; stock yards; poultry houses; manure storage; hog parlors; hog and rabbit meat production centers

2.8.V. Agricultural Uses

Class I

1. Chicken (Hen) Keeping. Where the minimum lot size meets or exceeds seven thousand (7,000) square feet, up to four (4) hens are allowed subject to meeting standards below and following Chapter 93 of the Code of Ordinances.
 - a. Hens are permitted on lots with single-family detached dwelling units only.
 - b. Hens must be kept in a coop and pen, or portable chicken tractors, and such coops and enclosures may not include residential structures or garages. All hens must be secured in the chicken coop during non-daylight hours.
 - c. Chicken coops, pens, and tractors (whether stationary or moveable) must be located in rear yards only (behind the line formed by the back wall of the residence.)
 - d. A minimum setback of fifteen (15) feet is required from the side and rear property lines.
 - e. The coop and pen must be closer to the chicken owner's primary residential unit than neighboring residential unit.
 - f. No more than eight (4) hens are permitted on any lot within the municipal limits of Bessemer City. Roosters are prohibited and shall not be considered a Class I agricultural use.
 - g. All aspects of keeping chickens shall be personal and noncommercial. No sales of rendered eggs shall be permitted on the property.

Beekeeping. All Bessemer City regulations for the act of domestic beekeeping have been adopted in accordance with Article 8 of Chapter 160A and subsection 106-645 Article 55 of the North Carolina General Statutes and The North Carolina Bee and Honey Act of 1977.

The City encourages domestic beekeeping as a hobby, but beekeeping at a scale that is indicative of a production process shall be operated as an agriculture operation (Class II) and located on suitable lands, not as an accessory use. Domestic beekeeping shall be permitted as an accessory use and shall only occur in accordance with the following requirements:

- h. Beekeeping shall only be allowed on properties with single-family, detached units only.
- i. The maximum number of hives allowed on properties within the City limits shall be no more than five (5) hives per lot.
 - (1) No hive shall be established or kept within fifteen (15) feet of any property line.
 - (2) A constant and adequate on-site source of freshwater shall be provided and shall be located closer to the hive than any water source on adjacent property.

- (3) The hives shall be placed at ground level or otherwise securely attached to an anchor or stand.

Other

1. Agricultural sales which include products grown elsewhere, or goods processed or manufactured on site, shall be considered a retail use.
2. Any agricultural sales shall require the provision of on-site parking spaces.
3. Class III uses are not permitted.

Animal Kennel – An indoor or outdoor place where more than five (5) dogs or other domesticated animals are groomed, bred, boarded, trained, kept, and/or sold either as a principal use or an accessory to a residential use.

Pet Services – An indoor facility for grooming (shampooed, clipped, etc.), boarding, retail sales, or other services provided to small animals, typically considered as household pets. Examples include a doggy daycare or a pet spa. For the purpose of this definition, animals shall exclude horses, cattle, swine, sheep, goats, geese, or fowl. All animal activities at this facility will be compliant with the North Carolina Animal Welfare Act.

2.8.EE Kennels

1. Outdoor kennel space must be at least four hundred (400) feet away from residential or mixed-use property lines.
2. Kennels shall be designed to buffer all noise audible to surrounding properties. Noise from the dog or cats will not substantially interfere with an abutting occupant's use and peaceful enjoyment of the property.
3. Any odor or unsanitary conditions caused by the dogs or cats will not substantially interfere with an abutting occupant's use and peaceful enjoyment of the property. There is no evidence that the dogs or cats pose any health problems or disease exposure for abutting occupants.
4. Outdoor structures must meet all applicable setback requirements and are not permitted to be located to the front of front building line of the primary structure. When in use with the primary structure, the outdoor structure shall be subordinate in height, footprint, and proportion to the primary structure on the site, and shall be compatible with the principal structure in terms of roof form, materials, and color.
5. More than five dog runs or other dog-related structures or any combinations thereof shall not be permitted if the structures can be seen from an abutting occupant's property in a residentially zoned district.
6. Subject to any additional regulations noted in Chapter 93 of the Animal Code of Ordinances

Removing both definitions for *Bona fide Farms* and *Farm, Bona fide* from Section 10.1 and only having the definition listed in Section 10.2.

By motion of Dan Boling and unanimous vote, the proposed text changes to Chapter 93 of the City Code of Ordinance were adopted.

Public Hearing- City Code of Ordinance: Chapter 150 Buildings & Minimum Housing Regulation

By motion of Dan Boling and unanimous vote, the public hearing was opened at 7:25 PM.

Mayor Smith asked if there was anyone to speak in favor of the text amendment. There was none.

Mayor Smith asked if there was anyone to speak in opposition of the text amendment. There was none.

By motion of Dan Boling and unanimous vote, the public hearing to consider the text amendment was closed at 7:26 PM.

Ordinance for Text Amendment- City Code of Ordinance: Chapter 150 Buildings & Minimum Housing Regulation

City Planner, Nathan Hester informed City Council that several changes were needed to bring the City Code of Ordinances in to compliance with General Statute 160D. Among these changes were regulations regarding the process to evaluate vacant buildings and dilapidated housing.

By motion of Brent Guffey and unanimous vote, the ordinance regarding text amendments to Chapter 150 was adopted.

Public Hearing- City Code of Ordinance: Chapter 130.10 Camping

By motion of Donnie Griffin and unanimous vote, the public hearing was opened at 7:28 PM.

Mayor Smith asked if there was anyone to speak in favor of the text amendment. The following individuals came forth:

Mayor Smith asked if there was anyone to speak in opposition of the text amendment. There was none.

By motion of Dan Boling and unanimous vote, the public hearing to consider the text amendment was closed at 7:29 PM.

Ordinance for Text Amendment- City Code of Ordinance: Chapter 130.10 Camping

City Planner, Nathan Hester informed City Council that this is a new chapter. The purpose and intent of this chapter is to regulate tents in the City right of way. No one shall be permitted to set up a tent structure on City owned land or right of way. As this shall constitute a public nuisance.

By motion of Donnie Griffin and unanimous vote, the ordinance regarding text amendments to Chapter 130.10 were adopted.

Public Hearing- City Code of Ordinance: Chapter 120 Mobile Vending

By motion of Brent Guffey and unanimous vote, the public hearing was opened at 7:37 PM.

Mayor Smith asked if there was anyone to speak in favor of the text amendment. The following individuals came forth:

Mayor Smith asked if there was anyone to speak in opposition of the text amendment. There was none.

By motion of Donnie Griffin and unanimous vote, the public hearing to consider the text amendment was closed at 7:38 PM.

Ordinance for Text Amendment- City Code of Ordinance: Chapter 120 Mobile Vending

City Planner, Nathan Hester informed City Council that this is a new chapter. The purpose and intent of this chapter is to regulate mobile vending units in the highway commercial overlay. Mobile Vending will not be permitted in the residential districts, or 100 feet of a restaurant. Mobile Vending permits will be approved by the City Manager or his designee.

By motion of Joe Will and unanimous vote, the ordinance regarding text amendments to Chapter 120 were adopted. Per City Council, the City Manager or his designee will only be permitted to approve a mobile vending permit.

Public Hearing – Trinity Capital Advisors Project Incentive:

City Council held a public hearing regarding a grant for the Trinity Capital Advisors Project Incentive.

By motion of Dan Boling and unanimous vote, the public hearing regarding the Trinity Capital Advisors project incentive was opened at 7:41 PM.

Mayor Smith asked if there was anyone present to speak in favor of the redevelopment revitalization project incentive. There was none.

Mayor Smith asked if there was anyone present to speak in opposition of the redevelopment revitalization project incentive. There was none.

By motion of Kay McCathen and unanimous vote, the public hearing regarding the redevelopment revitalization project incentive was closed at 7:43 PM.

Resolution- Trinity Capital Advisors Project Incentive

Donny Hicks of the Gaston County EDC, addressed Council regarding the Trinity Capital Advisors Project Incentive. Mr. Hicks informed Council that the Gaston County Commissioners have approved the same resolution at its meeting. Mr. Hicks also expressed his support of the resolution.

By motion of Donnie Griffin and unanimous vote, the resolution was adopted. A copy is on file at City Hall

City Manager's Report

Director of Administration, Josh Ross, addressed Council regarding the following:

- Board Vacancies: City Staff has received several applications to fill two Board vacancies. There is one vacancy on the Downtown Development Board and the Planning & Zoning Board of Adjustments. By general consensus, City Council will meet with the applicants at the July 2022 Work Session.
- General: The Water Plant Project continues to move forward. The Stinger Park Project is still on schedule to be complete by October 2022. We have a lot of growth going on in the City.

Council General Discussion

Mayor Smith opened the floor for Council general discussion. Council member, Dan Boling inquired about the speed limit sign by City Hall Annex and Whiskey Mill. He stated that both signs were removed.

Council member, Brent Guffey commended City Staff on their dedication. Council member, Joe Will inquired about sending a letter to NCDOT regarding the signal study going on at 12th and Virginia Avenue.

Adjournment

Being no further business to come before the board, by motion of Brent Guffey and unanimous vote, the meeting was adjourned at 8:00 PM.

Becky S. Smith, Mayor

Hydeia Y. Hayes, City Clerk